

EXCERPTS FOR CONDITIONED AIR CONTRACTORS

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EXCERPTS FROM THE CONSTRUCTION INDUSTRY LICENSING BOARD ACT O.C.G.A. 43-14

O.C.G.A. 43-14-2. Definitions - Excerpts

As used in this chapter, the term:

(3) "Conditioned air contracting" means the installation, repair, or service of conditioned air systems or conditioned air equipment. Service to or installation of the electrical connection between the electrical disconnect and conditioned air equipment is considered to be installation, repair, or service of conditioned air equipment or the conditioned air system. Service to or installation of the electrical circuit from the electrical distribution panel to the conditioned air equipment where the electrical service to the building or site is a single-phase electrical circuit not exceeding 200 amperes is considered to be installation, repair, or service of conditioned air equipment or the conditioned air system."

(4) "Conditioned air contractor" means an individual who is engaged in conditioned air contracting under express or implied contract or who bids for, offers to perform, purports to have the capacity to perform, or does perform conditioned air contracting services under express or implied contract. The term "conditioned air contractor" shall not include a person who is an employee of a conditioned air contractor and who receives only a salary or hourly wage for performing conditioned air contracting work.

(5) "Conditioned air equipment" means heating and air-conditioning equipment covered under state codes.

43-14-8 Licensing of persons engaged in business of electrical contracting, plumbing, or conditioned air contracting; conducting of such businesses by corporations and partnerships – Excerpts

(c) No person shall engage in the business of conditioned air contracting as a conditioned air contractor unless such person has a valid license from the Division of Conditioned Air Contractors.

(h) No partnership or corporation shall have the right to engage in the business of conditioned air contracting unless there is regularly connected with such partnership or corporation a person or persons actually engaged in the performance of such business on a full-time basis who have valid licenses issued to them as provided for in this chapter.

43-14-13. Applicability of Chapter

(a) This chapter shall apply to all installations, alterations, and repairs of plumbing, air conditioning and heating, or electrical or low-voltage wiring or utility systems within or on public or private building, structures, or premises except as otherwise provided in this Code section.

(b) Any person who holds a license issued under this chapter may engage in the business of plumbing, electrical contracting, conditioned air contracting, low-voltage contracting, or utility contracting but only as prescribed by the license, throughout the state; and except as provided in Code Section 43-14-12, no municipality or county may require such person to comply with any additional licensing requirements imposed by such municipality or county.

(c) This Chapter shall not apply to the installation, alteration, or repair of plumbing, air-conditioning and heating, utility systems, or electrical services, except low-voltage wiring services, up to and including the meters where such work is performed by and is an integral part of the system owned or operated by a public service corporation, electrical, water, or gas department of any municipality in this state, a railroad company, a pipeline company, or a mining company in the exercise of its normal function as such.

(d) This chapter shall not prohibit an individual from installing, altering, or repairing plumbing fixtures, air conditioning and heating, air conditioning and heating fixtures, utility systems, or electrical or low-voltage wiring services in a residential dwelling owned or occupied by such individual; provided, however, that all such work must be done in conformity with all other provisions of this chapter, the rules and regulations of the board, and any applicable county or municipal resolutions, ordinances, codes, or inspection requirements.

(e) This chapter shall not prohibit an individual employed on the maintenance staff of a facility owned by the state or by a county, municipality, or other political subdivision from installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, or electrical or low-voltage wiring services when such work is an integral part of the maintenance requirements of the facility; provided, however, that all such work must be done in conformity with all other provisions of this chapter and the orders, rules, and regulations of the board.

(f) This chapter shall not prohibit any person from installing, altering, or repairing plumbing, plumbing fixtures, air-conditioning and heating fixtures, utility systems, or electrical or low voltage wiring services in a farm or ranch service building or as an integral part of any irrigation system on a farm or ranch when such system is not located within 30 feet of any dwelling or any building devoted to animal husbandry. Nothing in this subsection shall be construed to limit the application of any resolution, ordinance, code, or inspection requirements of a county or municipality relating to such connections.

(j) This chapter shall not apply to regular full-time employees of an institution, manufacturer, or business who perform plumbing, electrical, low voltage wiring, utility contracting, or conditioned air work when working on the premises of that employer.

(n) Any person who contracts with a licensed conditioned air contractor as part of a licensed conditioned air contract to install, alter, or repair duct systems, control systems, or insulation is not required to hold a license from the Division of Conditioned Air Contractors. The conditioned air contractor must retain responsibility for completion of the contract, including any subcontracted work. Any person who contracts with a licensed conditioned air contractor to perform a complete installation, alteration, or repair of a conditioned air system must hold a valid license from the Division of Conditioned Air Contractors. Any person who contracts to perform for or on behalf of a conditioned air contractor to install, alter, or repair electrical, low voltage, or plumbing components of a conditioned air system must hold a valid license from the appropriate division of the board.

(o) This chapter shall not prohibit any propane dealer who is properly insured as required by law and who holds a liquefied petroleum gas license issued by the Safety Fire Commissioner from installing, repairing, or servicing a propane system or the gas piping components of such system; provided, however, that such propane dealers shall be prohibited from performing the installation of conditioned air systems or forced air heating systems unless licensed to do so under this chapter.

43-1-19. General Provisions. Grounds for refusing to grant or revoking licenses. Excerpts.

(a) A state examining board shall have the authority to refuse to grant a license to an applicant therefor or to revoke the license of a person licensed by that board or to discipline a person licensed by that board, upon a finding by a majority of the entire board that the licensee or applicant has:

(1) Failed to demonstrate the qualifications or standards for a license contained in this Code section, or under the laws, rules, or regulations under which licensure is sought or held; it shall be incumbent upon the applicant to demonstrate to the satisfaction of the board that he meets all the requirements for the issuance of a license, and, if the board is not satisfied as to the applicant's qualifications, it may deny a license without a prior hearing; provided, however, that the applicant shall be allowed to appear before the board if he so desires;

(2) Knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of a business or profession licensed under this title or on any document connected therewith; or practiced fraud or deceit or intentionally made any false statement in obtaining a license to practice the licensed business or profession; or made a false statement or deceptive registration with the board;

(3) Been convicted of any felony or of any crime involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States; as used in this paragraph and paragraph (4) of this subsection, the term "felony" shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and, as used in this paragraph, the term "conviction" shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

(4) Been arrested, charged, and sentenced for the commission of any felony, or any crime involving moral turpitude, where:

(A) First offender treatment without adjudication of guilt pursuant to the charge was granted; or

(B) An adjudication of guilt or sentence was otherwise withheld or not entered on the charge, except with respect to a plea of nolo contendere.

The order entered pursuant to the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, or other first offender treatment shall be conclusive evidence of arrest and sentencing for such crime;

(5) Had his license to practice a business or profession licensed under this title revoked, suspended, or annulled by any lawful licensing authority other than the board; or had other disciplinary action taken against him by any such lawful licensing authority other than the board; or was denied a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings; or was refused the renewal of a license by any such lawful licensing authority other than the board, pursuant to disciplinary proceedings;

(6) Engaged in any unprofessional, immoral, unethical, deceptive, or deleterious conduct or practice harmful to the public, which conduct or practice materially affects the fitness of the licensee or applicant to practice a business or profession licensed under this title, or of a nature likely to jeopardize the interest of the public, which conduct or practice need not have resulted in actual injury to any person or be directly related to the practice of the licensed business or profession but shows that the licensee or applicant has committed any act or omission which is indicative of bad moral character or untrustworthiness; unprofessional conduct shall also include any departure from, or the failure to conform to, the minimal reasonable standards of acceptable and prevailing practice of the business or profession licensed under this title;

(7) Knowingly performed any act which in any way aids, assists, procures, advises, or encourages any unlicensed person or any licensee whose license has been suspended or revoked by a state examining board to practice a business or profession licensed under this title or to practice outside the scope of any disciplinary limitation placed upon the licensee by the board;

(8) Violated a statute, law, or any rule or regulation of this state, any other state, the state examining board regulating the business or profession licensed under this title, the United States, or any other lawful authority (without regard to whether the violation is criminally punishable), which statute, law, or rule or regulation relates to or in part regulates the practice of a business or profession licensed under this title, when the licensee or applicant knows or should know that such action is violative of such statute, law, or rule; or violated a lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement;

(9) Been adjudged mentally incompetent by a court of competent jurisdiction within or without this state; any such adjudication shall automatically suspend the license of any such person and shall prevent the re-issuance or renewal of any license so suspended for as long as the adjudication of incompetence is in effect;

(10) Displayed an inability to practice a business or profession licensed under this title with reasonable skill and safety to the

public or has become unable to practice the licensed business or profession with reasonable skill and safety to the public by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material; or

(11) Failed to comply with an order for child support as defined by Code Section 19-11-9.3; it shall be incumbent upon the applicant or licensee to supply a notice of release to the board from the child support agency within the Department of Human Resources indicating that the applicant or licensee has come into compliance with an order for child support so that a license may issue or be granted if all other conditions for licensure are met.

(12) Failed to enter into satisfactory repayment status and is a borrower in default as defined by Code Section 20-3-295; it shall be incumbent upon the applicant or licensee to supply a notice of release to the board from the Georgia Higher Education Assistance Corporation indicating that the applicant or licensee has entered into satisfactory repayment status so that a license may be issued or granted if all other conditions for licensure are met.

(b) The provisions of Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," with respect to emergency action by a state examining board and summary suspension of a license are adopted and incorporated by reference into this Code section.

(c) For purposes of this Code section, a state examining board may obtain, through subpoena by the joint secretary, upon reasonable grounds, any and all records relating to the mental or physical condition of a licensee or applicant, and such records shall be admissible in any hearing before the board.

(d) When a state examining board finds that any person is unqualified to be granted a license or finds that any person should be disciplined pursuant to subsection (a) of this Code section or the laws, rules, or regulations relating to the business or profession licensed by the board, the board may take any one or more of the following actions:

(1) Refuse to grant or renew a license to an applicant;

(2) Administer a public or private reprimand, but a private reprimand shall not be disclosed to any person except the licensee;

(3) Suspend any license for a definite period or for an indefinite period in connection with any condition which may be attached to the restoration of said license;

(4) Limit or restrict any license as the board deems necessary for the protection of the public;

(5) Revoke any license;

(6) Condition the penalty upon, or withhold formal disposition pending, the applicant's or licensee's submission to such care, counseling, or treatment as the board may direct;

(7) Impose a fine not to exceed \$500.00 for each violation of a law, rule, or regulation relating to the licensed business or profession; or

(8) Impose on a licensee or applicant fees or charges in an amount necessary to reimburse an examining board for the administrative costs incurred by the board in conducting an investigative or disciplinary proceeding.

(e) In addition to and in conjunction with the actions described in subsection (d) of this Code section, a state examining board may make a finding adverse to the licensee or applicant but withhold imposition of judgment and penalty; or it may impose the judgment and penalty but suspend enforcement thereof and place the licensee on probation, which probation may be vacated upon noncompliance with such reasonable terms as the board may impose.

EXCERPTS FROM THE RULES OF THE STATE CONSTRUCTION INDUSTRY LICENSING BOARD

121-2-.03 Conditioned Air Contractor License. Amended.

(1) To obtain a Class I (Restricted) or Class II (Non-restricted) conditioned air contractor license, a person must submit a completed application, meet the prerequisite experience requirement, obtain a score of seventy (70) on the appropriate examination, and pay all fees required by the Board. An applicant must submit three references on the required form from persons who can attest to the applicant's good character and conditioned air experience to the satisfaction of the Division. Each reference must be from an Architect, Professional Engineer, Inspector, or licensed conditioned air contractor who shall include his or her registration or license number. Class I conditioned air contractor licenses are restricted to conditioned air contracting involving conditioned air systems or equipment not exceeding 175,000 BTU of heating and 60,000 BTU of cooling, and Class II licenses are unrestricted. For classifying systems, each complete system in a single installation is to be considered an individual job.

(2) Applicants must document a minimum of four years experience for Class I and five years for Class II in conditioned air work of a type covered by the Georgia Heating and Air Conditioning Code, (regardless of whether such Code was applicable to the work in the area or at the time such work was performed by the applicant.) Applicants for Class II licenses must document experience with installations of conditioned air systems which exceed 175,000 BTU (net) of heating and 60,000 BTU of cooling.

(3) "Experience" shall mean working experience gained through the direct installation of and responsibility for conditioned air systems of a type covered by the Georgia Heating and Air Conditioning Code (regardless of whether such Code was in effect in the area or at the time the applicant gained such experience) and activities related directly thereto.

(a) Experience for Class I shall consist of two years of installation as a lead mechanic with at least one of the years being commercial only, one year as a service technician or service supervisor (to include an Environmental Protection Agency license), one year of residential supervisory experience, and a Board approved heat loss and gain and duct design.

(b) Experience for Class II shall consist of two years of installation as a lead mechanic with at least one of the years being commercial only, one year as a service technician or service supervisor (to include an Environmental Protection Agency license), two years of commercial supervisory experience and a Board approved heat loss and gain and duct design course.

(4) Education may be applied toward the experience requirements as follows:

(a) Completion of a diploma program of a technical school in engineering or engineering technology may be credited as no more than 2 years experience;

(b) Completion of a certificate program of a vocational-technical school may be credited as no more than 1 year experience.

(5) All classifications of work experience, unless specifically listed in the examples provided in this rule, shall be made by the Board. Such classifications of experience by the Board shall be final except that, within the Board's sole discretion, an applicant may be allowed to appear before the Board to explain such experience.

121-2-.05 Statewide License by Endorsement.

(1) A person may be issued a contractor, master, journeyman, or manager license by submitting a completed application which documents that he meets the prerequisite experience requirements and holds a current out of state license in an appropriate classification based on passing an examination issued and conducted by a licensing board qualifying under paragraph (2) of this rule, with the required application fee and license fee.

(2) To qualify for purposes of this rule, an out of state licensing board must conduct examinations and have requirements which are substantially equal to the examination and requirements of this board at the time the application for license is filed with this board, provided that a similar privilege is offered to persons licensed under this board, and that a formal written agreement exists between the subject's licensing boards. The type and classification of license issued will be determined by this Board based on the requirements of the other licensing board.

(3) The appropriate division of the board may deny a license under this rule if it appears that the applicant is attempting to circumvent the requirements of Georgia law by first becoming licensed in another state, or if the applicant has committed any act which would be grounds for disciplinary action in this State.

(4) Persons licensed under grandfather provisions who have not passed an examination conducted by a licensing board qualifying under paragraph (2) of this rule will not qualify for license under this rule.

121-2-.06 Review Course for Re-examination.

(1) Any applicant for conditioned air contractor, electrical contractor, master plumber or journeyman plumber who takes and fails the examination twice after July 1, 1989, must present satisfactory evidence to the appropriate division of the board that the applicant has completed a board approved review course before such applicant will be scheduled for a third examination. If such applicant fails the examination a third time, the applicant shall not be required to complete additional courses prior to taking subsequent examinations.

(2) Any applicant for a low voltage license or a certificate as a utility manager who takes and fails the examination twice may complete a board approved review course. If such course is completed, then evidence of such completion may be submitted to the appropriate division.

(3) To be approved, an outline of the review course must be submitted to the appropriate division of the board. Such outline must list the topics covered, the actual time of instruction, the name of the instructor, and other information determined necessary for division review. The review course must meet one of the following:

(a) a course which covers code requirements conducted by a college, postsecondary technical school, or a military service; or
(b) a course of a minimum of 6 hours of actual instruction, conducted by an instructor who holds a contractor or master license in the appropriate trade and who has prior teaching or training experience acceptable to the appropriate division. The course must cover the following topics:

1. a review of examination topics;
2. a review of examinations references;
3. instruction on code, calculations, and other examination topics;
4. instructions on testing skills;
5. instructions on study and examination preparation skills; and
6. other related topics acceptable to the division; or

(c) a course of a minimum of 6 hours of actual instruction related to code or industry practices, conducted by an instructor who holds a contractor or master license in the appropriate trade and who has prior teaching and training experience acceptable to the appropriate division.

(d) a correspondence course related to code or industry practices, the successful completion of which is determined by a written evaluation, which is acceptable to the division; or

(4) A review course may be disapproved under this Rule if the appropriate division determines that the course does not meet the requirements of Paragraph (2) of this Rule, or that the course does not provide adequate instruction in assisting the candidates to prepare for the examination, or that persons associated with the course violated or assisted in violations of the licensure law, Board Rules, or examination procedures. Persons desiring the division to reconsider its decision concerning approval of a course must

submit the request in writing within thirty (30) days of being notified of the decision. Such persons may request to meet with the appropriate division to provide additional information concerning the course. The decision of the appropriate division of the Board concerning approval of review courses is final.

121-3-.01 Applications for Statewide License. Amended.

- (1) Applications for license or certification and requests for scheduling of examination must be completed in full on a form approved by the division, submitted with the required fee, and received by the deadline date established by the division.
- (2) The application fee, examination fee, and re-examination fee will be approved by the Board in order to recover costs associated with processing application and administering the examination. Fees will be published in a separate schedule and will be made available to all applicants. The application fee is non-refundable. The examination fee or re-examination fee may be refunded only if the applicant submits a request for refund prior to being scheduled for the examination, however a partial refund of any unexpended portion of the examination fee for scheduled applicants may be approved, at the Board's discretion.
- (3) Reference and other examination material which are provided to applicants by the Divisions of the Board and replacement of such material requested by applicants may be provided subject to a fee approved by the Board. Such fees will be published in a separate schedule and will be made available to all applicants.
- (4) All applicants for license or certification must report to the Board, prior to becoming licensed, any findings or pleas of guilty or pleas under nolo contendere or under the "First Offender Act" for the commission of any felony or misdemeanor, other than minor traffic violations, except that any misdemeanor committed more than five years prior to application need only be reported upon request.
- (5) The divisions of the Board may take disciplinary action on the license or certification of any person guilty of a felony or any crime involving moral turpitude or crime involving a violation of the Georgia Controlled Substances Act.
- (6) The Board will provide reasonable accommodation to a qualified applicant with a disability in accordance with the Americans With Disabilities Act. The request for an accommodation by an individual with a disability must be made in writing and received in the Board office by the application deadline along with appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines.

121-3-.02 Confidentiality of Applicant and Examination Information.

- (1) Applications for examination and the names of applicants shall be confidential and shall not be disclosed without written authorization from the applicant and approval by the appropriate division. Personal references submitted by third parties as part of an application shall not be disclosed to the applicant without written authorization from the person who submitted the reference and approval by the appropriate division.
- (2) No applicant may remove from the examination room any examination material or notes on the examination. All examination material and notes made by the applicant during the examination must be given to the examination proctor before leaving the examination room. Any applicant who removes examination materials or notes from the examination room or who shares information on examination questions or answers during or after the examination, or who violates other procedures for the examination as listed in the examination instructions will be subject to disciplinary proceedings as provided for the Board Rule 121-5, at the discretion of the appropriate division.
- (3) The appropriate division may, at its sole discretion, release the grade to a failing applicant. Individual papers may not be reviewed with the applicant nor shall the applicant be permitted to inspect either questions or answers following the examination.

121-3-.03 Applicant Review Course.

- (1) Any applicant for conditioned air contractor, electrical contractor, master plumber, or journeyman plumber license who takes and fails the examination twice after July 1, 1989, must submit documentation of completion of a review course before being scheduled for a third examination. The review course must meet the qualifications under board Rule 121-2-.06. The documentation of completion must include:
 - (a) the name of the school;
 - (b) the course title;
 - (c) the name and license number of the instructor if the course was conducted by other than a college or postsecondary technical school;
 - (d) the topics covered by the course;
 - (e) the number of instruction hours; and
 - (f) the date of completion.